

PART 524—CLASSIFICATION OF INMATES

Subpart A [Reserved]

Subpart B—Classification and Program Review of Inmates

Sec.

- 524.10 Purpose and scope.
- 524.11 Classification team.
- 524.12 Initial classification and program reviews.
- 524.13 Effect of a detainer on an inmate's program.
- 524.14 Unscheduled reviews.
- 524.15 Appeals procedure.
- 524.16 Study and observation cases.
- 524.17 Pretrial inmates.

Subpart C—Youth Corrections Act (YCA) Programs

- 524.20 Purpose and scope.
- 524.21 Definitions.
- 524.22 YCA program.
- 524.23 Program reviews.
- 524.24 Parole hearings.
- 524.25 U.S. Parole Commission.

Subpart D—Intensive Confinement Center Program

- 524.30 Purpose and scope.
- 524.31 Eligibility and placement.
- 524.32 Institution-based component procedures.
- 524.33 Program failure.

Subpart E—Progress Reports

- 524.40 Purpose and scope.
- 524.41 Types of progress reports.
- 524.42 Content of progress reports.
- 524.43 Inmate's access to progress reports.

Subpart F—Central Inmate Monitoring (CIM) System

- 524.70 Purpose and scope.
- 524.71 Responsibility.
- 524.72 CIM assignment categories.
- 524.73 Classification procedures.
- 524.74 Activities clearance.
- 524.75 Periodic review.
- 524.76 Appeals of CIM classification.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; Title V, Pub. L. 91–452, 84 Stat. 933 (18 U.S.C. Chapter 223); 28 CFR 0.95–0.99.

Subpart A [Reserved]

Subpart B—Classification and Program Review of Inmates

SOURCE: 56 FR 30676, July 3, 1991, unless otherwise noted.

§ 524.10 Purpose and scope.

It is the policy of the Bureau of Prisons to classify each newly committed inmate within four weeks of the inmate's arrival at the institution designated for service of sentence and to conduct subsequent program reviews for each inmate at regular intervals. The Warden shall establish procedures to ensure that a newly committed inmate is promptly assigned to a classification team.

§ 524.11 Classification team.

The Warden shall ensure that each department within the institution has the opportunity to contribute to the classification process.

(a) At a minimum, each classification (unit) team shall include the unit manager, a case manager, and a counselor. An education advisor and a psychology services representative are also ordinarily members of the team. Where the institution does not have unit management, the team shall include a case manager, counselor, and one other staff member.

(b) Each member of the classification team shall individually interview the newly arrived inmate within five working days of the inmate's assignment to that team.

[56 FR 30676, July 3, 1991, as amended at 57 FR 34662, Aug. 5, 1992]

§ 524.12 Initial classification and program reviews.

(a) The Warden or designee shall ensure that each newly committed inmate is scheduled for initial classification within four weeks of the inmate's arrival at the designated institution.

(b) Staff shall conduct a program review for each inmate at least once every 180 days. When an inmate is within twelve months of the projected release date, a program review shall be conducted at least once every 90 days.

(c) Staff shall notify an inmate at least 48 hours prior to that inmate's

Bureau of Prisons, Justice

§ 524.20

scheduled appearance before the classification team (whether for the initial classification or subsequent program review). An inmate may waive in writing the 48-hour notice requirement. The inmate is expected to attend the initial classification and all subsequent program reviews. If the inmate refuses to appear at a scheduled meeting, staff shall document on the Program Review Report the inmate's refusal and, if known, the reasons for refusal. A copy of this report is to be forwarded to the inmate. The inmate is responsible for becoming aware of, and will be held accountable for, the classification team's actions.

(d) Staff shall complete a Program Review Report at the inmate's initial classification. This report ordinarily includes information on the apparent needs of the inmate and shall offer a correctional program designed to meet those needs. The Program Review Report is to be signed by the unit manager and the inmate, and a copy is to be provided to the inmate. The correctional programs will be stated in measurable terms, establishing time limits, performance levels, and specific, expected program accomplishments. Staff will document progress and any program changes at subsequent reviews in the same manner in a new Program Review Report. Each sentenced inmate who is physically and mentally able is assigned to a work program at the time of initial classification. The inmate may choose not to participate in the offered program, unless the program is a work assignment, or mandated by Bureau policy, by court order, or by statute.

(e) The inmate is to be provided with, and must sign for, a copy of the Program Review Report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the Program Review Report in the inmate's central file.

[56 FR 30676, July 3, 1991, as amended at 60 FR 33320, June 27, 1995; 61 FR 47795, Sept. 10, 1996; 64 FR 9429, Feb. 25, 1999]

§ 524.13 Effect of a detainer on an inmate's program.

The existence of a detainer, by itself, ordinarily does not affect the inmate's program. An exception may occur where the program is contingent on a specific issue (for example, custody) which is affected by the detainer.

§ 524.14 Unscheduled reviews.

Staff shall establish a procedure to ensure that inmates are provided program reviews as required by this rule. Upon request of either the inmate or staff, and with the concurrence of the team chairperson, an advanced program review may occur.

[56 FR 30676, July 3, 1991, as amended at 60 FR 33321, June 27, 1995]

§ 524.15 Appeals procedure.

An inmate may appeal, through the Administrative Remedy Program, a decision made at initial classification or at a program review.

[56 FR 30676, July 3, 1991, as amended at 61 FR 47795, Sept. 10, 1996]

§ 524.16 Study and observation cases.

Inmates committed to the custody of the U.S. Attorney General for purposes of study and observation are excluded from the provisions of this rule.

[61 FR 47795, Sept. 10, 1996]

§ 524.17 Pretrial inmates.

Additional provisions pertinent to pretrial inmates are contained in § 551.107 of this chapter.

[61 FR 47795, Sept. 10, 1996]

Subpart C—Youth Corrections Act (YCA) Programs

SOURCE: 58 FR 50808, Sept. 28, 1993, unless otherwise noted.

§ 524.20 Purpose and scope.

This subpart establishes procedures for designation, classification, parole, and release of Youth Corrections Act (YCA) inmates. In keeping with court findings, and in accord with the repeal of 18 U.S.C. chapter 402, sections 5011 and 5015(b), all offenders sentenced

under the provisions of the YCA presently in custody, those retaken into custody as parole violators, and those yet to be committed (probation violators, appeal bond cases, etc.) may be transferred to or placed in adult institutions under the provisions of this policy.

§ 524.21 Definitions.

(a) *YCA inmate*: An inmate sentenced under provision of the Youth Corrections Act who has not received an in-person “no further benefit” finding by his or her sentencing judge, and whose YCA sentence has not been completely absorbed by an adult federal sentence.

(b) *No further benefit*: An in-person finding by the inmate’s sentencing court that YCA treatment will not be of further benefit to the inmate. An inmate receiving such court finding is accordingly not considered to be a YCA inmate.

§ 524.22 YCA program.

(a) Wardens are to ensure each committed youth offender is scheduled for a three-phase program plan which will include a classification phase, a treatment phase, and a pre-release phase. A program plan for each YCA inmate will be developed by the Unit Team as a part of the classification phase. The Warden may exempt a YCA inmate from program participation when individual circumstances warrant such exceptions. Such exceptions must be requested and acknowledged by the inmate, and the reason(s) for exemption must be documented in the inmate’s central file.

(1) *Classification phase*: The classification phase begins upon the inmate’s arrival at the designated institution. It consists of evaluation, orientation, unit assignment, and concludes when the inmate has attended the initial classification (or transfer classification) meeting with the Unit Team. YCA inmates are to participate in the classification process prior to the development of their individual program plans. The YCA inmate is to have received a psychological screening prior to attending the initial classification meeting. YCA program plans will include specific goals relative to:

(i) Behavior;

(ii) Treatment/self improvement;

(iii) Pre-release.

(2) *Treatment phase*: YCA inmates are to be exposed to unit-based and community-based (if otherwise eligible) programs. Each YCA inmate shall be periodically reviewed during this phase. The treatment phase begins when the inmate attends the programs and activities described in the program plan which were established at the culmination of the classification phase. Each YCA inmate shall be assigned programs in accordance with the inmate’s needs and the established program plan. The “program day” shall consist of morning, afternoon, and evening time periods, during which the inmate shall be scheduled for treatment programs, work, and leisure-time activities. The inmate shall be expected to comply with the program plan. The inmate’s participation in a treatment program is required, not optional. An inmate’s failure to participate may result in disciplinary action.

(3) *Pre-release phase*: The YCA inmate shall enter the pre-release phase approximately 9 months prior to release. The pre-release phase is ordinarily divided into two segments: participation in the institution pre-release program and a stay at a Community Corrections Center (CCC), if otherwise eligible. Institution pre-release programs shall focus on the types of problems the inmate may face upon return to the community, such as re-establishing family relationships, managing a household, finding and keeping a job, and developing a successful life style. In addition, the pre-release phase may include visits from prospective employers.

(b) Staff shall establish incentives to motivate YCA inmates and to encourage program completion. Examples of such incentives which may be used are special recognition, awards, and “vacation days”.

(c) The program plan, and the YCA inmate’s participation in fulfilling goals contained within the plan, are fundamental factors considered by the U.S. Parole Commission in determining when a YCA inmate should be paroled. Given the importance and joint use of the YCA programming process, the current program plan and a summary of the inmate’s progress in

Bureau of Prisons, Justice

§ 524.31

meeting established treatment goals must be made available for review and discussion by the Commission at each parole hearing. In addition, a staff member familiar with the YCA inmate's case should be present at any parole hearing to clarify any questions concerning the plan or the inmate's progress in completing the plan.

(d) Upon full and satisfactory completion of the program plan, the Warden will notify the U.S. Parole Commission and make a specific recommendation for release.

§ 524.23 Program reviews.

Staff shall conduct periodic reviews of the inmate's program plan and shall modify the plan in accordance with the level of progress shown. Each YCA inmate shall be afforded a review at least once each 90 days, and shall have a formal progress report prepared every year summarizing the inmate's level of achievement. If the inmate's program plan needs to be modified in light of the progress made, or the lack thereof, appropriate changes will be made and a revised program plan will be developed and documented. Staff shall ordinarily notify the inmate of the 90-day review at least 48 hours prior to the inmate's scheduled appearance before the Unit Team. An inmate may waive in writing the requirement of 48 hours notice.

§ 524.24 Parole hearings.

All YCA inmates have been extended the parole procedures present in *Watts* vs. *Hadden*. YCA inmates shall be scheduled for interim hearings on the following schedules:

(a) For those inmates serving YCA sentences of less than 7 years, an in-person hearing will be scheduled every 9 months.

(b) For those inmates serving YCA sentences of 7 years or more, an in-person hearing will be scheduled every 12 months.

(c) Upon notification of a response to treatment/certified completion of a program plan by the Bureau of Prisons, the Parole Commission will schedule the inmate for an in-person hearing on the next available docket, unless the inmate is paroled on the record. If a hearing is held and the inmate is denied parole, the next hearing shall be

scheduled in accordance with the schedule outlined in paragraphs (a) and (b) of this section.

(d) The hearings mentioned in paragraphs (a) and (b) of this section are not required for inmates who have been continued to expiration or mandatory parole who have less than one year remaining to serve or to a CCC placement date.

§ 524.25 U.S. Parole Commission.

The U.S. Parole Commission is the releasing authority for all YCA inmates except for full term and conditional releases. The Commission shall be provided a progress report:

(a) Upon request of the Commission,

(b) Prior to any interim hearing or pre-release record review, or

(c) Upon determination by the inmate's Unit Team, with concurrence by the Warden, that the inmate has completed his or her program plan.

Subpart D—Intensive Confinement Center Program

SOURCE: 61 FR 18658, Apr. 26, 1996, unless otherwise noted.

§ 524.30 Purpose and scope.

The intensive confinement center program is a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons, followed by extended participation in community-based programs. The goal of this program is to promote personal development, self-control, and discipline.

§ 524.31 Eligibility and placement.

(a) Eligibility for consideration of placement in the intensive confinement center program requires that the inmate is:

(1)(i) Serving a sentence of more than 12, but not more than 30 months (see 18 U.S.C. 4046), or

(ii) Serving a sentence of more than 30, but not more than 60 months, and is within 24 months of a projected release date.

(2) Serving his or her first period of incarceration or has a minor history of prior incarcerations;

§ 524.32

28 CFR Ch. V (7–1–02 Edition)

(3) Is not serving a term of imprisonment for a crime of violence or a felony offense:

(i) That has as an element, the actual, attempted, or threatened use of physical force against the person or property of another, or

(ii) That involved the carrying, possession, or use of a firearm or other dangerous weapon or explosives (including any explosive material or explosive device), or

(iii) That by its nature or conduct, presents a serious potential risk of physical force against the person or property of another, or

(iv) That by its nature or conduct involves sexual abuse offenses committed upon children.

(4) Appropriate for housing in minimum security;

(5) Physically and mentally capable of participating in the program;

(6) A volunteer.

(b) Placement in the intensive confinement center program is to be made by Bureau staff in accordance with sound correctional judgment and the availability of Bureau resources.

[61 FR 18658, Apr. 26, 1996, as amended at 62 FR 53691, Oct. 15, 1997]

§ 524.32 Institution-based component procedures.

(a) An eligible inmate who volunteers for participation in an institution-based intensive confinement center program must agree to forego opportunities which may be otherwise available to inmates in Bureau institutions. Opportunities that may be affected include, but are not limited to, visitation, telephone use, legal research time, religious practices, commissary, smoking, and grooming preferences.

(b) The institution-based component of the intensive confinement center program ordinarily is six months in duration.

(c) Disciplinary procedures to be followed in the institution-based intensive confinement center program are set forth in subpart B of part 541 of this chapter.

(d)(1) An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program.

(2) An inmate eligible for participation in the program under § 524.31(a)(1)(i) who successfully completes the institution-based component, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence.

(3) An inmate who completes or has completed the institution-based component of an intensive confinement center pilot program, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence if staff confirm that the inmate has met the requirements of § 524.31(a)(1)(i), (2), (3) and (4).

§ 524.33 Program failure.

An inmate who fails to complete the institution-based component or who subsequently fails participation in a community-based program may forfeit his or her further involvement in the program.

Subpart E—Progress Reports

SOURCE: 55 FR 49977, Dec. 3, 1990, unless otherwise noted.

§ 524.40 Purpose and scope.

The Bureau of Prisons maintains current information on each inmate through progress reports completed by staff. The progress report summarizes information relating to the inmate's adjustment during confinement, program participation, and readiness for release.

§ 524.41 Types of progress reports.

The Bureau of Prisons prepares the following types of progress reports.

(a) Initial Hearing—prepared for an inmate's initial parole hearing when progress has not been summarized within the previous 180 days.

(b) Statutory Interim/Two-Thirds Review—prepared for a parole hearing conducted 18 or 24 months following a hearing at which no effective parole date was established, or for a two-thirds review (see 28 CFR 2.53) unless the inmate has waived the parole hearing.

(c) Pre-Release—

(1) Record Review—prepared for and mailed to the appropriate Parole Commission office at least eight months prior to the inmate's presumptive parole date.

(2) Final—prepared at least 90 days prior to the release of an offender to a term of supervision.

(d) Transfer Report—prepared on an inmate recommended and/or approved for transfer to a community corrections center (CCC) or to another institution and whose progress has not been summarized within the previous 180 days.

(e) *Triennial report*—prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.

(f) Other—prepared for any reason other than those previously stated in this section. The reason (e.g., court request, clemency review) is specified in the report.

[55 FR 49977, Dec. 3, 1990, as amended at 59 FR 6856, Feb. 11, 1994; 60 FR 10722, Feb. 27, 1995; 63 FR 7604, Feb. 13, 1998]

§ 524.42 Content of progress reports.

Staff shall include the following in each progress report:

- (a) Institution (full name) and Date;
- (b) Type of Progress Report;
- (c) Committed name;
- (d) Registration number;
- (e) Age;
- (f) Present security and custody level;
- (g) Offense(s) for which committed;
- (h) Sentence;
- (i) Date sentence began;
- (j) Time served to date, including jail time credit;
- (k) Good conduct time/Extra good time earned;
- (l) Statutory good time withheld or forfeited; Disallowed good conduct time;
- (m) Projected release date;
- (n) Most recent Parole Commission action, including any special conditions or requirements (if applicable);
- (o) Detainers and pending charges on file;
- (p) Institutional adjustment; this ordinarily includes information on the inmate's:

- (1) Program plans;
- (2) Work assignments and skills acquired;
- (3) Educational/vocational participation;
- (4) Counseling programs;
- (5) Incident reports;
- (6) Institutional movement;
- (7) Physical and mental health, including any significant mental or physical health problems, and any corrective action taken; and
- (8) Financial responsibility.
- (q) Release planning:
 - (1) Where appropriate, staff shall request that the inmate provide a specific release plan;
 - (2) Staff shall identify available release resources (including CCC) and any particular problem that may be present in release planning.

[59 FR 6857, Feb. 11, 1994]

§ 524.43 Inmate's access to progress reports.

Upon request, an inmate may read and receive a copy of any progress report retained in the inmate's central file which had been prepared on that inmate after October 15, 1974. Staff shall allow the inmate the opportunity to read a newly prepared progress report and shall request the inmate sign and date the report. If the inmate refuses to do so, staff witnessing the refusal shall document this refusal on the report. Staff shall then offer to provide a copy of the progress report to the inmate.

[59 FR 6857, Feb. 11, 1994]

Subpart F—Central Inmate Monitoring (CIM) System

SOURCE: 61 FR 40143, July 31, 1996, unless otherwise noted.

§ 524.70 Purpose and scope.

The Bureau of Prisons monitors and controls the transfer, temporary release (e.g., on writ), and community activities of certain inmates who present special needs for management. Such inmates, known as central inmate monitoring (CIM) cases, require a higher level of review which may include Central Office and/or Regional Office clearance for transfers, temporary releases,

or community activities. This monitoring is not to preclude a CIM case from such activities, when the inmate is otherwise eligible, but rather is to provide protection to all concerned and to contribute to the safe and orderly operation of federal institutions.

§ 524.71 Responsibility.

Authority for actions relative to the CIM system is delegated to the Assistant Director, Correctional Programs Division, to Regional Directors, and to Wardens. The Assistant Director, Correctional Programs Division, and Regional Directors shall assign a person responsible for coordinating CIM activities. The Case Management Coordinator (CMC) shall provide oversight and coordination of CIM activities at the institutional level, and the Community Corrections Manager shall assume these responsibilities for contract facilities.

§ 524.72 CIM assignment categories.

CIM cases are classified according to the following assignments:

(a) *Witness Security cases.* Individuals who agree to cooperate with law enforcement, judicial, or correctional authorities, frequently place their lives or safety in jeopardy by being a witness or intended witness against persons or groups involved in illegal activities. Accordingly, procedures have been developed to help ensure the safety of these individuals. There are two types of Witness Security cases: Department of Justice (authorized by the Attorney General under title V of Public Law 91-452, 84 Stat. 933); and Bureau of Prisons Witness Security cases (authorized by the Assistant Director, Correctional Programs Division).

(b) *Threats to government officials.* Inmates who have made threats to government officials or who have been identified, in writing, by the United States Secret Service as requiring special surveillance.

(c) *Broad publicity.* Inmates who have received widespread publicity as a result of their criminal activity or notoriety as public figures.

(d) *Disruptive group.* Inmates who belong to or are closely affiliated with groups (e.g., prison gangs), which have a history of disrupting operations and

security in either state or federal penal (which includes correctional and detention facilities) institutions. This assignment also includes those persons who may require separation from a specific disruptive group.

(e) *State prisoners.* Inmates, other than Witness Security cases, who have been accepted into the Bureau of Prisons for service of their state sentences. This assignment includes cooperating state witnesses and regular state boarders.

(f) *Separation.* Inmates who may not be confined in the same institution (unless the institution has the ability to prevent any physical contact between the separatees) with other specified individuals who are presently housed in federal custody or who may come into federal custody in the future. Factors to consider in classifying an individual to this assignment include, but are not limited to, testimony provided by or about an individual (in open court, to a grand jury, etc.), and whether the inmate has exhibited aggressive or intimidating behavior towards other specific individuals, either in the community or within the institution. This assignment also includes those inmates who have provided authorities with information concerning the unauthorized or illegal activities of others. This assignment may also include inmates from whom there is no identifiable threat, but who are to be separated from others at the request of the Federal Judiciary or U.S. Attorneys.

(g) *Special supervision.* Inmates who require special management attention, but who do not ordinarily warrant assignment in paragraphs (a) through (f) of this section. For example, this assignment may include an inmate with a background in law enforcement or an inmate who has been involved in a hostage situation. Others may include those who are members of a terrorist group with a potential for violence.

§ 524.73 Classification procedures.

(a) *Initial assignment.* Except as provided for in paragraphs (a) (1) through (4) of this section, an inmate (including pretrial inmates) may be classified as a CIM case at any time by a Community Corrections Manager or by appropriate

Bureau of Prisons, Justice

§ 524.73

staff at the Central Office, Regional Office, or institution. This initial classification is effective upon documentation in the inmate's record.

(1) *Witness Security cases.* Witness Security cases are designated by the Central Office only. An inmate's participation in the Department of Justice Witness Security Program is voluntary. A commitment interview and an admission and orientation interview are to be conducted with the Witness Security inmate to ensure that the inmate understands the conditions of confinement within the Bureau of Prisons. Central Office classification of an individual as a Witness Security case, under either the Department of Justice or Bureau of Prisons, does not require additional review, and overrides any other CIM assignment.

(2) *State prisoners.* Appropriate staff in the Central Office or Regional Office designate state prisoners accepted into the Bureau of Prisons from state or territorial jurisdictions. All state prisoners while solely in service of the state sentence are automatically included in the CIM system to facilitate designations, transfers, court appearances, and other movements.

(3) *Special supervision.* Placement in this assignment may be made only upon the authorization of a Regional Director or the Assistant Director, Correctional Programs Division.

(4) *Recommitted offenders.* An inmate who is recommitted to federal custody, who at the time of release was classified as a CIM case, retains this classification pending a review of the CIM status in accordance with paragraph (c) of this section.

(b) *Notification.* The case manager shall ensure that the affected inmate is notified in writing as promptly as possible of the classification and the basis for it. Witness Security cases will be notified through a commitment interview. The notice of the basis may be limited in the interest of security or safety. For example, in separation cases under § 524.72, notice will not include the names of those from whom the inmate must be separated. The inmate shall sign for and receive a copy of the notification form. If the inmate refuses to sign the notification form, staff witnessing the refusal shall indi-

cate this fact on the notification form and then sign the form. Notification is not required for pretrial inmates. Any subsequent modification of a CIM assignment or removal from the CIM system requires separate notification to the inmate.

(c) *Initial review.* A classification may be made at any level to achieve the immediate effect of requiring prior clearance for an inmate's transfer, temporary release, or participation in community activities. Except for Central Office or Regional Office classification of an individual as a state prisoner in sole service of the state sentence or for classification of pretrial inmates made by designated staff at the institution, a review by designated staff (ordinarily within 60 days of notification to the inmate) is required to determine whether a sound basis exists for the classification. Staff making the initial classification shall forward to the reviewing authority complete information regarding the inmate's classification. An inmate not notified of a change in the classification by the reviewing authority within 60 days from the date of the initial notification may consider the CIM classification final. Reviewing authorities for CIM classification are:

(1) *Central Office Inmate Monitoring Section*— reviews classification decisions for all future separation assignments (including commitments) for Witness Security cases and for any combination of assignments involving Witness Security cases.

(2) *Regional Office*— reviews CIM classification decisions for Disruptive Group, Broad Publicity, Threat to Government Officials, Special Supervision, State Prisoners not in sole service of state sentence and initial multiple assignments except Witness Security Cases.

(3) *Warden, or Designee*— reviews CIM classification decisions for all separation assignments.

(d) *Removal.* (1) Because participation in the Department of Justice Witness Security Program is voluntary, such participants may request removal from this assignment at any time. Such request shall be forwarded to the Central Office Inmate Monitoring Section. Actual removal of the CIM assignment

§ 524.74

will not occur until after approval from the Department of Justice is received.

(2) The reviewing authority is responsible for determining if removal or modification of any CIM classification other than a Department of Justice Witness Security case is appropriate. The inmate retains the CIM classification pending a decision by the reviewing authority.

(3) When an inmate is removed for any reason from a CIM classification (for example, because the reviewing authority either disapproves the CIM classification or approves removal of a CIM classification based on new information), the appropriate staff member shall ensure that the relevant portions of the inmate central file are either removed or, when part of a larger document, are amended to clearly reflect removal of the CIM assignment. Staff shall notify the inmate of the decision and document any change in the inmate's record, and supportive documentation and the written basis for removal are to be retained in the inmate privacy file.

§ 524.74 Activities clearance.

(a) Except as provided for in paragraph (b) of this section, the Warden is the clearance authority on all transfers, temporary releases, community activities, and escorted trips.

(b) *Witness Security cases.* Central Office Inmate Monitoring Section staff shall be the clearance authority on all transfers, temporary releases, community activities, and escorted trips for Witness Security cases, except in a medical emergency. In a medical emergency, the Warden may transfer a Witness Security case to a local hospital for emergency medical care without prior clearance.

§ 524.75 Periodic review.

The Warden shall ensure that the status of an inmate's CIM assignment is considered at each program review. When staff believe that removal or modification of a CIM classification is appropriate, the institution's CMC and the appropriate reviewing authority must be notified. Only the reviewing authority shall determine if removal or modification of the CIM classification is appropriate.

28 CFR Ch. V (7-1-02 Edition)

§ 524.76 Appeals of CIM classification.

An inmate may at any time appeal (through the Administrative Remedy Program) the inmate's classification as a CIM case. Inmates identified as Witness Security cases may choose to address their concerns directly to the Inmate Monitoring Section, Central Office, rather than use the Administrative Remedy Program.

PART 527—TRANSFERS

Subparts A–C [Reserved]

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.

527.30 Purpose and scope.

527.31 Procedures.

Subpart E—Transfer of Offenders To or From Foreign Countries

527.40 Purpose and scope.

527.41 Definitions.

527.42 Limitations on transfer of offenders to foreign countries.

527.43 Notification of Bureau of Prisons inmates.

527.44 Transfer of Bureau of Prisons inmates to other countries.

527.45 Transfer of State prisoners to other countries.

527.46 Receiving United States citizens from other countries.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3565, 3569, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4100–4115, 4161–4166 (Repealed as to offenses committed on or after November 1, 1987), 4201–4218, 5003, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subparts A–C [Reserved]

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

SOURCE: 46 FR 34549, July 1, 1981, unless otherwise noted.

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state